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REJECTION OVER A PENDING SECOND APPLICATION**

Docket Number (Optional)

P02971

In re Application of: Michael J. Brubaker

Application No.: 10/034,795

Filed: December 27, 2001

For: Sustained Release Drug Delivery Devices With Prefabricated Permeable Plugs

APR 05 2004

PATENT & TRADEMARK OFFICE

The owner*, Bausch & Lomb Incorporated, of 100 percent interest in the instant application hereby disclaims, except as provided below, the terminal part of the statutory term of any patent granted on the instant application, which would extend beyond the expiration date of the full statutory term defined in 35 U.S.C. 154 and 173 as shortened by any terminal disclaimer filed prior to the grant of any patent granted on pending second Application Number 10/378,374, filed on 02/28/03, of any patent on the pending second application. The owner hereby agrees that any patent so granted on the instant application shall be enforceable only for and during such period that it and any patent granted on the second application are commonly owned. This agreement runs with any patent granted on the instant application and is binding upon the grantee, its successors or assigns.

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2. The undersigned is an attorney or agent of record.


March 30, 2004

Signature

Date

04/06/2004 SDENBOB1 00000069 021425 10034795

02 FC:1314 110.00 DA

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